Previous references.

J. F. 24 of 1896-97
and 33 of 1896-97.

File No. 44
of 1904-05.

1904

(III - Courts.)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 and 2

PART B FOR August

SUBJECT.

Travelling allowance to witnesses attending the Courts of Justices of the Peace

	FILE No. 44 of 1904-05.	
	Travelling allowance to witnesses attending the Court of Justice of the Peace.	
1	From the District Magistrate, Hassan District, No. 37, dated the 22nd July 1904. Requests instructions as to the payment of the travelling allowance claimed by certain witnesses who attended the Court of the Sub-Division Magistrate and Justice of the Peace, Saklespur, in connection with a Criminal Justice of the Peace case on the file of that Magistrate.	J. F. 24 of 96-97 33, of 96-97.
2	To the District Magistrate, Hassan, No. 369, dated 11th August 1904. States that the payment of batta to witnesses attending Criminal Courts other than Sessions Courts is still governed by the Judicial Commissioner's Circular No. 1685-96, dated the 17th November 1876.	

G.R.S. 11] 1904.05

GENERAL AND REVENUE SECRETARIAT.

(Courts.)

NOTES.

File No. 44 /04.05

FILE HEADING.

Travelling allowance to witnesses attending the Courts of Justices of the Peace.

From

The District Magistrate, Hassan District

No. 5937. Dated the 22nd July 04 Received 25th July 1904

Diary No.	Enclos.	Serial No.
J 155.	2 & 4 Spare Copies. —	1.

BRIEF ABSTRACT OF LETTER.

Requests instructions whether the travelling allowance claimed by certain witnesses for having attended the Court of the Sub-Divisional Magistrate & Justice of the Peace, Sakleshpur, in connection with Justices of the Peace Case No. 1 of 03-04 on the file of that Magistrate, may be paid. as it is doubtful whether the Mysore Government's Notification No. 1685-86 J 17/11/1885 is still in force.

NOTES AND ORDERS.

Recorded B 1/2 04

1. The amount claimed by the witnesses in the case No. 1 of 03-04 as travelling allowance seems to have been calculated (though it is a little incorrect) as per Notification No. 5526/J 545 dated the 1st March 1900. It will be seen from the Chief Fourth Register's

NOTES—First sheet.

MGCPB—5,000—18-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 44 of 1904-05

Serial No.

1 & W

Letter of 20th June 1903 No. 6560/256 that the Notification was restricted in its operation being intended to be applicable only to witnesses attending Sessions Courts: So that the witnesses in the case can't claim their allowance under the said Notification. Before the passing of this Notification the rule for payment of batta to witnesses was regulated by the Judicial Commissioner's Circular already referred to. This allowed batta to witnesses attending all kinds of Courts, but the batta was payable only to those who were poor or had been put to considerable expense in attending the Court and even in their case it allowed only 4 annas for every day's attendance at Court or for every day's journey of 10 miles to & from the Court. As the Notification of 1900 does not seem to have superseded the Judicial Commissioner's Circular of 1869, I beg to submit with the

Flag A

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 44 of 1904-05

Serial No.

witness in the Case it is submitted, may claim their allowance under the Circular. Claims to travelling allowance under the Circular have been allowed in the Case of a Head Constable one Venkayah of Honnavar in 1901 for having attended the Court of the Asst. Magistrate of [redacted] Sagar and also in the year 1902, to certain officers of the Harbour Branch Port Cattle Depot for having appeared as witness in a Criminal Case before the Assistant Commissioner & Ist Class Magistrate, Mysore.

Submitted for orders

7/8/04 NSR 8.8.04 2. I agree. Draft a reply saying that the payment of batta to witness attending Criminal Courts other than Sessions Courts is still governed by the Govt's Circular of 17.11.04.

S-Dey

3 Draft Sent

5/8/04 NSR 10.8.04

Secy for appl

S-Dey

4. Passed

10.8.1904

SC N.15
Ft No. 33/3/6/57

NOTE—Contn. sheet.

MGGPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

File No. 44 of 1904-05

Serial No. 2

To the District Magistrate, Hassan, No. 365 dated the 11th August 1904

States that the payment of batta to witnesses attending Criminal Courts other than Sessions Courts is still governed by the Judicial Commissioner's Circular No. 1685-96 dated 7/4/65

Note—Contd. sheet.

MGCPB—10 000—19-5-04

J 199 Sl. No 1

District Magistrate Court
Hassan District
Dated Hassan 22nd July '04

From

P. R. W. Wetherall Esquire
District Magistrate
Hassan District

To.

B. H. Venkatavaradiengar Esquire
Offg. Secretary to the Government
of His Highness the Maharaja
of Mysore.
General and Revenue Department
Bangalore.

Sir

I have the honor to submit herewith for orders of Government a Shimoga District Magistrate's letter No. 2840/529 dated 21st June 1904, received with Vernacular correspondence ending with Zadi No. 5028 dated 6th idem from the Assistant Superintendent of Police Shimoga enclosing a bill for Rupees 63-14-0 presented by the witnesses for prosecution

III ?
Court
(Courts)

8 2 1

J 199

1904-05

From P. R. N. Wetherall Esquire
District Magistrate
Hassan District

To B. K. Venkatavaradiengar Esquire
Offg. Secretary to the Government of
H. H. the Maharaja of Mysore
Secretariat and Revenue Department
Bangalore

Dated 22nd July 04

Despatched 23rd Do

Received

General No. 307

No. Secy.

Enclosure No. 2 and V. Pfile

Requesting instructions
whether the travelling allowan
claimed by the witnesses in
attending the Court of the Sub-
-Division Magistrate and Justic
of the Peace, Sakaleshpur, may be
paid, as it is doubtful whether
the late Judicial Commissioner's
Circular No. 1685-96 dated 17th
November 1869 is still in force.

prosecution in Criminal Justice of the Peace Case No. 1 of 1903-04 (Government Vs Mr. Sullivan) on the file of the Sub Division magistrate and Justice of the Peace Sahaleshur, claiming the amount noted therein as travelling allowance in connection with the journey performed by them to attend the said Court

2 Copy of late Judicial Commissioners Circular No. 1685-96 dated 17th November 1869 and that of the Government Notification No. 9926-J.949 dated 12th March 1900 are herein enclosed for ready reference It may be seen from the former that payment of travelling allowance and batta to witnesses was apparently extended to all Criminal Courts Whereas the latter mentioned Government Notification restricts such being paid to witnesses attending Courts of Session only.

only. Although the witnesses mentioned in the letter of the District Magistrate of Shimoga travelled from Sagar Taluk to the Sub Division Magistrate's Court at Sabalesper in connection with the Justice of the Peace case referred to above, it does not appear that the Government Notification last quoted (and presumably framing Rule, under Section 544 Criminal Procedure Code) is applicable to such cases.

3. I therefore request instructions whether the travelling allowance claimed by those witnesses may be paid as it is doubtful as to whether the above quoted Circular of the late Judicial Commissioner (embodied in the "Manual of Laws" applied to the Province of Mysore) is still in force.

I have the honor to be
Sir,
Your most obedient Servant

D M Wetherall

District Magistrate
Hassan District

G.R.S. 26]

File No. 44/04-05

Serial No. 2

Diary No. of letter replied to 199

No. 36-44-2

General and Rev. Secretariat
(Courts)
the 10/8/ 190 04

To
The District Magistrate of
the Hassan District.

Date of issue 11/8/04

Signed by Mr B K Venkat Rao
District Judge

With reference to his letter No. 37 dated the 22nd July 1904, requesting instructions whether ~~recording~~ a sum of rupees 63.14.0, claimed as travelling allowance by certain witnesses who attended the Court of the Sub-Division Magistrate and Justice of the Peace, Sakleshpur, in connection with Justice of the Peace Case No. 10 of 03.04 on the file of that Magistrate may be paid, as it is doubtful whether the late Judicial Commissioner's Notification

over.

SUBJECT.

5

No. 1685-56 dated the 17th November 1869 is still in force. I am therefore to state that the payment of batta to witnesses attending Criminal Courts other than Sessions Courts is still governed by the judicial Commissioner's circular above referred to.

2. The original enclosures received with his letter under reply are herewith returned.

By order

10.8.1904

Secretary.

10.8.04

10.8.04

List of enclosures.

Copied by V.R.R. 11-8-04

Examined by [illegible] 11.8.04